

**BEFORE THE INSURANCE COMMISSIONER
FOR THE STATE OF DELAWARE**

IN THE MATTER OF:)	
)	
NATIONWIDE LIFE INSURANCE COMPANY))	
NATIONWIDE LIFE AND ANNUITY)	DOCKET NO. 4000-2018
INSURANCE COMPANY)	
)	
NAIC# 66869 and 92657)	
)	
One Nationwide Plaza, 1-35-206)	
Columbus, OH 43215-2220)	

STIPULATION AND CONSENT ORDER

THIS STIPULATION AND CONSENT ORDER is entered into as of

_____, 2018, by and between Nationwide Life Insurance Company and Nationwide Life and Annuity Insurance Company ("Respondent") and the State of Delaware Department of Insurance ("the Department"). Respondent and the Department are collectively referred to herein as the "Parties."

WHEREAS, Respondent is a life and annuity insurance company incorporated under Ohio law and authorized to conduct the business of insurance in the State of Delaware; and

WHEREAS, the Department, through its examiners, conducted a target market conduct examination ("Examination") of Respondent's affairs and practices as of September 30, 2017; and

WHEREAS, the Department, through its examiners, prepared and provided to Respondent for review and comment draft versions of the Examination report; and

WHEREAS, Respondent has reviewed and commented on such draft versions of the Examination report; and

WHEREAS, after considering Respondent's comments, the Department, through its examiners, has prepared a final report of the Examination, dated as of July 31, 2018 ("Final Examination Report"); and

WHEREAS, among other findings contained in the Final Examination Report, the Department concluded that the Respondent's practices and procedures did not comply with:

18 *Del. Admin. C* §7.1.2.1.2 and 7.1.2.2- Duties of Insurers That Use Agents or Brokers.

18 *Del. Admin. C*. §1204 -5.2.1- Duties of Agents and Brokers.

18 *Del. Admin. C*. §1210 -5.1- Policies to be illustrated.

18 *Del. Admin. C*. §1210 -9.1.1 and 9.2.1- Delivery of Illustration and Record Retention.

18 *Del. Admin. C*. § 320 (c) – Conduct of Examination; access to records; correction.

18 *Del. Admin. C*. § 1703 – License Required, and

18 *Del. Admin. C*. §1715(b) – Appointments.

18 *Del. Admin. C*. §2712 – Filing, Approval of Forms.

WHEREAS, after communications with the Department, Respondent desires to resolve this matter without recourse to any administrative hearing or court action (such as an appeal).

NOW, THEREFORE, IT IS AGREED, by and between Respondent and the Department as follows:

1. Respondent accepts the Final Examination Report, waives any right to a hearing thereon, and agrees that the Department may file the Final Examination Report without any further modifications.

2. Upon execution of this Stipulation and Consent Order, Respondent shall pay to the Department an administrative penalty for the Notice Violations in the amount of Forty Five

Thousand and Five Hundred Dollars (\$ 45,500.00). Respondent shall make its check for the administrative penalty payable to the "State of Delaware."

3. Respondent waives any right to challenge in an administrative or court proceeding any of the terms and conditions of this Stipulation and Consent Order.

4. This Stipulation and Consent Order is the free and voluntary act of Respondent and its terms are binding upon Respondent and may be admitted into evidence in any judicial or administrative proceeding against Respondent to enforce such terms. Respondent acknowledges that it has had a full opportunity to seek and receive advice of counsel on all matters related to this Stipulation and Consent Order.

5. This Stipulation and Consent Order contains all of the terms and conditions agreed to by the parties and constitutes the final agreement between Respondent and the Department.

6. No change, amendment, or modification hereto shall be effective or binding unless it is in writing, dated, and signed by the parties.

7. If the Department fails to act on any one or more defaults by Respondent, such failure to act shall not be a waiver of any rights hereunder on the part of the Department to declare Respondent in default and to take such action as may be permitted by this Stipulation and Consent Order or by law.

8. This Stipulation and Consent Order may be signed in duplicate and both documents shall be considered originals. The person executing this Stipulation and Consent Order on behalf of Respondent shall acknowledge his or her signature before a Notary Public and, by executing this Stipulation and Consent Order, certifies that he or she is duly authorized to execute this Stipulation and Consent Order on behalf of Respondent. Respondent agrees that an uncertified

copy of this Stipulation and Consent Order shall be valid as evidence in any proceeding for purposes of enforcement.

9. This Stipulation and Consent Order shall survive Respondent and be enforceable against its successors, transferors, or assigns.

[Signature Page Follows]

NATIONWIDE LIFE
INSURANCE COMPANY AND

DELAWARE INSURANCE DEPARTMENT

NATIONWIDE LIFE AND ANNUITY
INSURANCE COMPANY

April L VanDervort
Print Name: April VanDervort
Title: VP Operations
Date: 12/14/18

Trinidad Navarro
TRINIDAD NAVARRO
Insurance Commissioner
Date: 12/28/18

Witness to Respondent's Signature

Name:

Title:

Date:

STATE OF Ohio)
COUNTY OF Franklin) SS.

The foregoing instrument was acknowledged before me this 14th day of December 2018, by April L. VanDervort, who is personally known to me or who has produced — as identification, and who certified that he or she is duly authorized to execute this document on behalf of Respondent.

GIVEN under my Hand and Seal of office, the day and year aforesaid.



CYNTHIA L. BRAGG
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Franklin County
My Comm. Exp. 2/6/2023

Cynthia L. Bragg
NOTARY PUBLIC

Cynthia L. Bragg
PRINT NAME

2-6-2023
MY COMMISSION EXPIRES